

FISCAL NOTE

SB 2850 - HB 2712

February 21, 2000

SUMMARY OF BILL: Repeals current language that otherwise exempts forestry activities from water pollution regulatory requirements. Requires a non-resident of Tennessee conducting a logging operation of 50 acres or more of forest land to file a written intent to cut document with the Department of Agriculture, in order to aid in the identification and monitoring of loggers in Tennessee. Following completion of the logging operation, the owner or operator must file a final report with the Department of Agriculture confirming the acreage cut, county and location and date of completion. Both the intent to cut and final report must be available for public inspection. Requires that a non-resident of Tennessee who performs logging operations on more than 50 acres must secure a performance bond to assure that no pollution will occur on the logging site. The bond shall be set in an amount of \$200 per acre of land involved, with a \$10,000 minimum bond amount and a \$75,000 maximum bond amount. Requires that separate bonds be posted for each logging operation in an area in excess of acres. Authorizes the Commissioner to petition the Chancery Court of a county in which any operation of a logging operation occurs for forfeiture of the bond if the department determines that:

- a continuation of the operation presents a threat to public health or is causing or will cause pollution;
- all reasonable and practical efforts have been made to obtain corrective action from responsible persons;
- does not appear that corrective actions can or will be taken with an appropriate time period or it appears the logging operation has been abandoned.

Proceeds from the forfeited bond shall be paid to the court and used in combination with any other remedies to correct and mitigate the pollution. The court may decide to continue the logging operation as it deems necessary to protect the public.

Authorizes the Department of Environment and Conservation to notify both the owner and operator of any silvicultural activity that has caused or is causing pollution to waters of the state, and authorize the Department to specify corrective measures needed to mitigate the damage done and prevent future pollution.

Authorizes the Department of Environment and Conservation to issue cease and desist orders to the owner or operator of any silvicultural activity that has or is conducting or allowing any silvicultural that is causing pollution to waters of the state. Such order shall require the owner or operator to cease immediately all or part of the silvicultural activities on the site and implement corrective measures within a stated period of time.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$151,000 Recurring
\$20,000 One-Time**

Estimate assumes: (1) increased expenditures for 4 positions and related expenses to enforce the provisions of the bill in the Department of Environment and Conservation; (2) enforcement activities will be the responsibility of the Department of Environment and Conservation.

For information purposes there are approximately 4,750 active logging operations in Tennessee. Approximately 300 operations are run by non-resident loggers on sites greater than 50 acres.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



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James A. Davenport, Executive Director